

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,957	01/05/2004	Kenichiro Yano	1767-121	2025

23117 7590 08/10/2005

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

BEHNCKE, CHRISTINE M

ART UNIT	PAPER NUMBER
----------	--------------

3661

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,957

Applicant(s)

YANO ET AL.

Examiner

Christine M. Behncke

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/05/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Application filed 5 January 2004, in which claims 1-12 were presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5-8, the phrase "in the case" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Norimoto, US Patent No. 6,820,001.

4. **(Claim 1)** Norimoto discloses a navigation apparatus comprising: an acquisition device for acquiring the current position of a moving body (vehicle position detecting unit 325); a registration device that is used when registering the destination to which said moving body is to reach (remote controller 4, Column 6, lines 61-63); a reading device in which a portable recording medium (disk unit 1) on which map data is recorded is mounted and which reads at least the map data recorded on the portable recording medium (map data managing unit 31); a setting device for setting a route to said destination based on the acquired current position, the registered destination and the recorded map data (route determining unit 324); a memory device for storing map data used route guidance for the moving body based on the set route (data buffer 2); and a transfer device for transferring the map data (map data management unit 31), which has a preset geographical range that includes the road set as the route (Column 1, lines 55-63 and Column 8, line 54-Column 9, line 9), based on the current position of the moving body and the set route from said portable recording medium to the memory device (Column 8, lines 15-22 and figure 2).

5. **(Claim 2)** Norimoto further discloses wherein said transfer device, when transferring the map data, sets a geographical range for the map data based on preset transfer conditions (Column 8, lines 29-40: general road or throughway, Column 8, line 54-Column 9, line 9), and then transfers the map data from said portable recording medium to said recording medium based on the set geographical range (figure 3).

6. **(Claim 3)** Norimoto further discloses wherein said transfer device sets the geographical range of the map data with at least one of the amount of the map data and the route characteristics indicating the characteristics of the set route as the transfer condition (Column 8, line 54-Column 9, line 9 and figure 3).

7. **(Claim 4)** Norimoto further discloses wherein said transfer device sets the geographical range of the map data with the road characteristics, which includes at least one of the type of the set route, points along the way including preset conditions for the set route, and characteristics of district indicated by map data, as the transfer condition (if the route is composed of a general road or throughway, Column 8, line 54-Column 9, line 9 and figure 3).

8. **(Claims 5-8)** Norimoto further discloses wherein the entire map is divided into a plurality of blocks (figure 2), and the divided block map data is recorded on said portable recording medium (Column 1, lines 50-63), said transfer device transfers the plurality of blocks of block map data recorded on said portable recording medium to said memory device in block units based on the geographical range of the map data (Column 8, line 54-Column 9, line 9 and figure 3).

9. **(Claim 9)** Norimoto discloses a navigation map data acquisition method comprising: an acquisition step of acquiring the current position of a moving body (Column 7, lines 15-22); a registration step of registering the destination to which said moving body is to reach (Column 7, lines 23-27); a reading step of reading the map data recorded on a mounted portable recording medium (Column 7, lines 30-36); and a recording step of transferring the map data, which has a preset geographical range that

Art Unit: 3661

includes the road set as the route, based on the current position of the moving body and the set route from said portable recording medium to a memory device (Column 1, lines 55-63 and Column 8, line 54-Column 9, line 9), and recording the transferred map data on said memory device as the map data for using route guidance for the moving body based on the set route (Column 7, lines 36-41).

10. **(Claim 10)** Norimoto further discloses wherein said recording step of setting a geographical range for the map data based on preset transfer conditions when transferring the map data (Column 8, lines 29-40: general road or throughway, Column 8, line 54-Column 9, line 9), and then transferring the map data from said portable recording medium to said recording medium based on the set geographical range (figure 3).

11. **(Claim 11)** Norimoto discloses a recording medium wherein a map data acquiring program is recorded so as to be read by a computer (control unit 321), the computer included in a navigation apparatus for navigating a mobile body (Abstract), said program causing the computer to function as: an acquisition device for acquiring the current position of a moving body (Column 7, lines 15-22); a registration device for registering the destination to which said moving body is to reach (Column 7, lines 23-27); a reading device for reading the map data recorded on a mounted portable recording medium (map data managing unit 31); and a recording device for transferring the map data, which has a preset geographical range that includes the road set as the route (Column 1, lines 55-63 and Column 8, line 54-Column 9, line 9), based on the current position of the moving body and the set route from said portable recording

Art Unit: 3661

medium to a memory device (Column 8, lines 15-22 and figure 2), and recording the transferred map data on said memory device as the map data for using route guidance for the moving body based on the set route (Column 8, lines 15-22 and figure 2).

12. **(Claim 12)** Norimoto further discloses herein the program further causes the computer to function as said recording device for setting a geographical range for the map data based on preset transfer conditions when transferring the map data (Column 8, lines 29-40: general road or throughway, Column 8, line 54-Column 9, line 9), and then transferring the map data from said portable recording medium to said recording medium based on the set geographical range (figure 3).

Conclusion

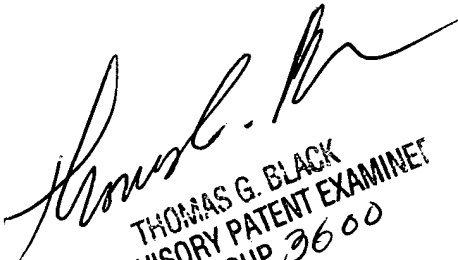
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08-06-2005


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600